

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

FELIX GUZMAN RIVADENEIRA,)
Plaintiff,)
v.) CAUSE NO. 1:15-CV-146 WL
DEPARTMENT OF HOMELAND SECURITY, *et al.*,)
Defendants.)

OPINION AND ORDER

Felix Guzman Rivadeneira, a *pro se* detainee confined in the McHenry County Jail in Woodstock, Illinois, filed a lawsuit in this court. This is not the first time he has filed this lawsuit in a federal court.

[S]ince June 10, 2015, Plaintiff has filed fifty-one nearly identical complaints in other federal district courts throughout the United States. *See* <http://pacer.psc.uscourts.gov>. (PACER Case Locator) (last visited June 30, 2015). Each of these courts will expend considerable time and resources to determine how best to deal with Plaintiff's pleading to promote justice. While making no determination on this issue at this time, the sheer numbers and similarity of these filings, as well as their mass mailing to fifty-two different federal courts, is at best frivolous, at worst, malicious. *See Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (complaint with the same allegations as in an earlier complaint that had been dismissed was properly dismissed under section 1915 as frivolous or malicious); *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (duplicative or repetitious litigation of virtually identical causes of action is subject to dismissal under 28 U.S.C. § 1915 as malicious).

Rivadeneira v. Dep't of Homeland Security, 1:15-cv-231 (D. Hawaii filed June 15, 2015) order entered July 6, 2015.

Rivadeneira had no basis for filing this case here in the Northern District of Indiana.

Though the District Court in Hawaii found four other reasons why it was appropriate to dismiss

the lawsuit he filed there, it is sufficient here that the filing of this case in this District was frivolous and malicious.

For the foregoing reasons, this case is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) because it is frivolous and malicious.

SO ORDERED.

ENTERED: July 10, 2015

s/William C. Lee
William C. Lee, Judge
United States District Court